



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0056

Introduced 1/14/2009, by Rep. David Reis

SYNOPSIS AS INTRODUCED:

15 ILCS 205/1	from Ch. 14, par. 1
15 ILCS 205/3	from Ch. 14, par. 3
15 ILCS 205/4	from Ch. 14, par. 4
15 ILCS 205/4a	from Ch. 14, par. 4a
15 ILCS 205/6	from Ch. 14, par. 6

Amends the Attorney General Act. Gender neutralizes the language.

LRB096 03752 RCE 13782 b

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Attorney General Act is amended by changing
5 Sections 1, 3, 4, 4a, and 6 as follows:

6 (15 ILCS 205/1) (from Ch. 14, par. 1)

7 Sec. 1. Before entering upon the respective duties of the
8 ~~his~~ office, the attorney general shall be commissioned by the
9 governor, and shall take the following oath or affirmation:

10 I do solemnly swear (or affirm, as the case may be), that I
11 will support the constitution of the United States and the
12 constitution of the state of Illinois, and that I will
13 faithfully discharge the duties of the office of attorney
14 general, according to the best of my ability.

15 And shall also execute a bond, to the People of the State
16 of Illinois, with good and sufficient securities in the penal
17 sum of \$10,000, to be approved by the governor, and then filed
18 in the office of the Secretary of State. The bond shall be
19 conditioned upon the faithful discharge of the duties of the
20 office, and the paying over all moneys as provided by law,
21 which bond shall run to and be for the benefit of the state,
22 county, corporation or person injured by a breach of any of the
23 conditions thereof.

1 (Source: P.A. 86-962.)

2 (15 ILCS 205/3) (from Ch. 14, par. 3)

3 Sec. 3. If any person elected to the office of attorney
4 general shall fail to give bond, or take the oath required of
5 him or her, within 20 days after he or she is declared elected,
6 the office shall be deemed vacant, and if, being required to
7 give additional bond, as provided in section two hereof, he or
8 she fails to do so within 20 days after notice of such
9 requirements, the ~~his~~ office may, in the discretion of the
10 governor, be declared vacant and filled as provided by law.

11 (Source: P.A. 86-962.)

12 (15 ILCS 205/4) (from Ch. 14, par. 4)

13 Sec. 4. The duties of the Attorney General shall be--

14 First - To appear for and represent the people of the State
15 before the supreme court in all cases in which the State or the
16 people of the State are interested.

17 Second - To institute and prosecute all actions and
18 proceedings in favor of or for the use of the State, which may
19 be necessary in the execution of the duties of any State
20 officer.

21 Third - To defend all actions and proceedings against any
22 State officer, in his or her official capacity, in any of the
23 courts of this State or the United States.

24 Fourth - To consult with and advise the several State's

1 Attorneys in matters relating to the duties of their office;
2 and when, in his or her judgment, the interest of the people of
3 the State requires it, the Attorney General ~~he~~ shall attend the
4 trial of any party accused of crime, and assist in the
5 prosecution. When the Attorney General has requested in writing
6 that a State's Attorney initiate court proceedings to enforce
7 any provisions of the Election Code or to initiate a criminal
8 prosecution with respect to a violation of the Election Code,
9 and when the State's Attorney has declined in writing to
10 initiate those proceedings or prosecutions or when the State's
11 Attorney has neither initiated the proceedings or prosecutions
12 nor responded in writing to the Attorney General within 60 days
13 of the receipt of the request, the Attorney General may,
14 concurrently with or independently of the State's Attorney,
15 initiate such proceedings or prosecutions. The Attorney
16 General may investigate and prosecute any violation of the
17 Election Code at the request of the State Board of Elections or
18 a State's Attorney.

19 Fifth - To investigate alleged violations of the statutes
20 which the Attorney General has a duty to enforce and to conduct
21 other investigations in connection with assisting in the
22 prosecution of a criminal offense at the request of a State's
23 Attorney.

24 Sixth - To consult with and advise the governor and other
25 State officers, and give, when requested, written opinions upon
26 all legal or constitutional questions relating to the duties of

1 such officers respectively.

2 Seventh - To prepare, when necessary, proper drafts for
3 contracts and other writings relating to subjects in which the
4 State is interested.

5 Eighth - To give written opinions, when requested by either
6 branch of the general assembly, or any committee thereof, upon
7 constitutional or legal questions.

8 Ninth - To enforce the proper application of funds
9 appropriated to the public institutions of the State, prosecute
10 breaches of trust in the administration of such funds, and,
11 when necessary, prosecute corporations for failure or refusal
12 to make the reports required by law.

13 Tenth - To keep, a register of all cases prosecuted or
14 defended by the Attorney General ~~him~~, in behalf of the State or
15 its officers, and of all proceedings had in relation thereto,
16 and to deliver the same to his or her successor in office.

17 Eleventh - To keep on file in his or her office a copy of
18 the official opinions issued by the Attorney General and
19 deliver same to his or her successor.

20 Twelfth - To pay into the State treasury all moneys
21 received by him or her for the use of the State.

22 Thirteenth - To attend to and perform any other duty which
23 may, from time to time, be required of the Attorney General ~~him~~
24 by law.

25 Fourteenth - To attend, present evidence to and prosecute
26 indictments returned by each Statewide Grand Jury.

1 (Source: P.A. 94-291, eff. 7-21-05; 95-699, eff. 11-9-07.)

2 (15 ILCS 205/4a) (from Ch. 14, par. 4a)

3 Sec. 4a. Attorneys and investigators appointed by the
4 attorney general, and on his or her payroll, when authorized by
5 the attorney general or his or her designee, may expend such
6 sums as the attorney general or his or her designee deems
7 necessary for the purchase of items for evidence, the
8 advancement of fees in cases before United States courts or
9 other State courts, and in the payment of witness or subpoena
10 fees.

11 Funds for making expenditures authorized in this Section
12 shall be advanced from funds appropriated or made available by
13 law for the support or use of the office of attorney general or
14 vouchers therefor signed by the attorney general or his or her
15 designee. Sums so advanced may be paid to the attorney or
16 investigator authorized to receive the advancement, or may be
17 made payable to the ultimate recipient. Any expenditures under
18 this Section shall be audited by the auditor general as part of
19 any mandated audit conducted in compliance with Section 3-2 of
20 the Illinois State Auditing Act.

21 (Source: P.A. 95-331, eff. 8-21-07.)

22 (15 ILCS 205/6) (from Ch. 14, par. 6)

23 Sec. 6. Whenever the attorney general is sick or absent, or
24 unable to attend, or is interested in any cause or proceeding,

1 civil or criminal, which it is or may be his or her duty to
2 prosecute or defend, the court in which said cause or
3 proceeding is pending may appoint some competent attorney to
4 prosecute or defend such cause or proceeding, and the attorney
5 so appointed shall have the same power and authority in
6 relation to such cause or proceeding as the attorney general
7 would have had if present and attending to the same.

8 (Source: P.A. 86-962.)